IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1951 of 2004

SHAH PUKHRAJ & POONAM CHAND KAPA.KE VYP.
V/S
JOR SINGH & ANR

Mr. GR BARI, for the appellant / petitioner

Date of Order : 16.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only submission made is that, the injured himself was having camel, and was operating it on hire, and that the injured was employed by Pukh Raj, while the award has been passed against the firm, and that the camel belonged to Pukh Raj, as such, award could not be passed against the firm.

I have considered the submissions, and find that the learned trial court has considered the evidence of both the parties, and has found that it is established on material available on record that summons of the proceedings were received by Pukh Raj as a Proprietor, and has filed the written statement on the basis of personal knowledge, as such, it cannot be said that defendant has been wrongly impleaded or that the petitioner is not properly constituted. Then the evidence led on behalf of defendant including that of statement of Manohar Lal, being partner of the firm, has been dis-believed for cogent reasons. Then the document Ex.NA-7 has been taken into account, whereby goods were handed over to the claimant for being delivered to Laxmilal Bakhtawar Mal of Madar, and transportation charges were received by the defendant by adding in the bill, and the claimants only delivered the goods. Inter alia on this material it has been found that the story propounded by defendant about himself never arranging delivery of goods at the destination of purchaser, rather the purchaser himself carrying

away the goods on their own, or by bus, or the claimants delivering the goods or receiving transportation charges, cannot be believed.

In my view, all these findings are pure findings of fact, which are not shown to be vitiated on any of the grounds available under Sec. 30 of the Workman's Compensation Act. Since no other argument was raised, it cannot be said that the appeal involves any substantial question of law. The same is, therefore, dismissed.

(N P GUPTA),J.

/Srawat/